



PROPOSED RULE MAKING (RCW 34.05.320)

**CR-102 (7/22/01)
Do NOT use for expedited
rule making**

Agency: Department of Labor and Industries

- ☒ Preproposal Statement of Inquiry was filed as WSR 03-03-026; or
☐ Expedited Rule Making -- Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice
to WSR _____
☐ Continuance of WSR _____

(a) Title of rule:

Chapter 296-17-WAC General Reporting Rules, Classifications, Audit and Recordkeeping, Rates and Rating System for Washington Workers' Compensation Insurance

Purpose: The purpose of this proposal is to revise the general reporting rule and risk classification definitions applicable to the temporary help staffing industry. This will provide greater clarification and ease of understanding to the temporary help rules contained in the classification plan and used by the temporary help staffing industry. **See attachment**

Other identifying information: **See attachment**

(b) Statutory authority for adoption:

RCW 51.04.020 (General Authority)
RCW 51.16.035 (Classification Plan/Base Rate)

Statute being implemented:

RCW 51.16.035

(c) Summary:

See attachment

Reasons supporting proposal:

See attachment

(d) Name of Agency Personnel Responsible for:

	Office Location	Telephone
1. Drafting... Ken Woehl	Tumwater, WA	(360) 902-4775
2. Implementation.... Kathy Kimbel	Tumwater, WA	(360) 902-4739
3. Enforcement..... Robert Malooly	Tumwater, WA	(360) 902-4750

(e) Name of proponent (person or organization):

Department of Labor and Industries

- ☐ Private
☐ Public
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:

N/A

(g) Is rule necessary because:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT Citation: N/A
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

(h) HEARING LOCATION:

Tumwater Labor and Industries Office
7273 Linderson Way S.W.
Tumwater, WA 98504-4851
Auditorium

Date: August 20, 2003 **Time:** 10:30 a.m.

Assistance for persons with disabilities: Contact
Office of Information and Assistance
By August 21, 2003

TDD (360) 902-5797

NAME (TYPE OR PRINT)

Paul Trause

SIGNATURE

TITLE

Director

DATE

July 1, 2003

Submit written comments to:

Department of Labor and Industries
Ken Woehl
Classification Services Section
P.O. Box 44148, Olympia WA 98504-4148
Or E-Mail to WOEH@lni.wa.gov
FAX (360) 902-4729 By (date) August 21, 2003

DATE OF INTENDED ADOPTION: September 30, 2003

CODE REVISER USE ONLY

WSR# 03-14-026

(COMPLETE REVERSE SIDE)

(j) Short explanation of rule, its purpose, and anticipated effects:

The department is proposing changes to the workers' compensation classification plan. The purpose of this rule proposal is to provide amendatory refinements to the general reporting rule and risk classification definitions for greater clarification and ease of understanding by the temporary help staffing industry. The proposal also creates one new risk classification definition for greater equity for the industry. Amendatory changes to these rules will reduce the amount of litigation resulting from issues regarding record keeping and premium assessments by temporary help businesses.

Does proposal change existing rules? ☒ YES ☐ NO

If yes, describe changes:

The rule proposal amends one general reporting rule, establishes one new risk classification definition, and amends eighteen risk classification definitions for greater clarity, equity, and understanding by the temporary help staffing industry.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☒ No. Explain why no statement was prepared

The Regulatory Fairness Act requires that the economic impact of proposed regulations be analyzed in relation to small business, and outlines the information that must be included in a Small Business Economic Impact Statement (SBEIS). Preparation of a SBEIS is required when a proposed rule has the potential of placing a more than minor economic impact on business.

However, since the proposed rule would not place a more than minor economic impact on business, the preparation of a comprehensive SBEIS is not required. The proposed temporary help rulemaking is clarifying in nature.

(l) Does RCW 34.05.328 apply to this rule adoption? ☒ Yes ☐ No

Please explain:

RCW 51.16.035 requires the Department of Labor and Industries to establish a Classification Plan to include general reporting rules, risk classification definitions, and premium rates for all classifications in accordance with recognized principles of insurance.

The rule is significant under RCW 34.05.328, however, this rule is exempt from the significant rule-making criteria because RCW 34.05.328(5)(b)(vi) establishes that rules that set or adjust fees or rates pursuant to legislative standards are exempt from the criteria outlined in RCW 34.05.328.